

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2431 OF 2004

IN

SUIT NO.4366 OF 1998

...

Anandsingh Chattersingh Baid ...Plaintiff

v/s.

Mansingh H. Baid & Ors. ...Defendants

...

Mr.C.A.Jani for the Plaintiff.

Mr.R.S.Champawat for Defendant No.1.

Mr.J.P.Sen i/b Anil Sampat for Defendant No.23.

Mr.Niranjan Shimpi for Respondents Nos. 1 to 10.

**CORAM: D.K.DESHMUKH, J.**

**DATED: 27TH OCTOBER, 2005**

**P.C.:**

Parties are agreed that for disposing of this Notice of Motion in following terms it is not necessary to record any reason.

1. Mr.Niranjana Shimpi, Advocate states that he is appearing for the Respondents Nos. 1 to 10 in this Notice of Motion. He has already filed his power for Respondent No.1. He undertakes to file power for Respondents Nos. 2 to 10 within a period of four weeks from today.

Undertaking is accepted.

2. The Defendants Nos. 1, 12 and 23 (Applicant) are hereby directed to maintain status quo as regards the property namely Hanumat Niwas situated at Dada Bhai Navroji Road, Andheri (West), Mumbai in accordance with the distribution of various portions of the said property including common spaces, amongst the parties in accordance with the decree dated 14-10-1996 passed by this Honourable Court in Arbitration Petition No.180 of 1996 in Award No.280 of 1995 and the sketch plan annexed thereto.

3. The Prothonotary and Senior Master is directed to

appoint an officer of this Honourable Court as a Commissioner to visit said property and make a report upon inspection and verification of the status of the various portions of said property in possession of Defendants Nos. 1, 12 and 23 (Applicant) respectively as also the open spaces.

4. The Defendants No. 1, 12 and 23 (Applicant) hereby undertake to this Hon'ble Court to remove any structure either temporary or permanent which according to the Commissioner is causing obstruction to the other occupant as regards the enjoyment of their respective portions and or common spaces in the said property.

5. The Respondents No. 1 to 10 undertake to this Hon'ble Court to maintain status quo and not to transfer, alienate or create third party rights, in respect of immoveable property namely Bhattawala Nohra situated at Churu, Rajasthan which is purchased by them by virtue of sale deed executed in their favour, pending the disposal of suit.

The aforesaid order is without prejudice to rights and contentions of parties which may be determined by

this Court in the suit.

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